

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Nakisha Alexander on Behalf of
M.P. and On Her Own Behalf,**

Plaintiffs,

vs.

Civ. No. 08-1206 MCA/RLP

**The City of Albuquerque,
A. Jaramillo and T. Novicki, or
Dave Porlas and T. Nora,**

Defendants.

ORDER

THIS MATTER comes before the Court on Plaintiffs' Second Motion to Compel Discovery and for Sanctions. (Docket No. 24).

Plaintiffs filed this Motion on October 27, 2009, seeking to compel Defendants to produce the following documents:

1. The Statute Book that each defendant had with him in his vehicle on the date that plaintiff's son was arrested
2. Any policy or procedures on keeping and referring to a copy of the criminal laws of the State of New Mexico for patrol officers.

The Request for Production of these document was served on Defendants on July 16, 2009. (Docket No. 13). No objections were filed by Defendants.

Plaintiffs also state that items this court previously ordered produced (See Order, Docket No. 15) have not been provided.


Following a long standing pattern, Defendants have not responded to the instant Motion to Compel.

Pursuant to D.N.M. LR-Civ. 7.1(b) “The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.” Accordingly, Defendants are presumed to have consented to Plaintiffs’ Second Motion to Compel.

IT IS THEREFORE ORDERED that Defendants shall produce the documents sought in Plaintiffs’ initial and Second Motions to Compel on or before **December 11, 2009**.

IT IS FURTHER ORDERED that Plaintiffs’ request for sanctions in the form of attorneys fees will be considered at the Telephonic Status Conference scheduled for **December 17, 2009 at 1:15 p.m.**

IT IS SO ORDERED.



Richard L. Puglisi
Chief United States Magistrate Judge